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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,854	10/24/2003	Rob Relyea	MS1-1780US	3939
22801	7590	08/09/2007	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			WANG, BEN C	
			ART UNIT	PAPER NUMBER
			2192	
			MAIL DATE	DELIVERY MODE
			08/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Interview Summary

Application No.

10/693,854

Applicant(s)

RELYEA ET AL.

Examiner

Ben C. Wang

Art Unit

2192

All participants (applicant, applicant's representative, PTO personnel):

(1) Jason F. Lindh.

(3) \_\_\_\_\_.

(2) Ben C. Wang.

(4) \_\_\_\_\_.

Date of Interview: 24 July 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: Claim 1.

Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

TUAN DAM  
SUPERVISORY PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

BW  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.


### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

\* Conducted a general discussion regarding the amended claim.

\* The specification (pp. 52-53) regarding the scope of computer readable media including "communication media" will be amended accordingly.



TUAN DAM  
SUPERVISORY PATENT EXAMINER



## Fax Cover Sheet

DATE:

TO: Ben C Wang

571-270-1240 FAX

FROM: Jason F. Lindh

RE: 10/693,854

- Interview Request Form

NUMBER OF PAGES (including cover sheet): 3

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Please confirm receipt of fax and acceptance of interview.

lee & hayes plc, intellectual property law

SPOKANE 509-324-9256 / fax 509-323-8979 SEATTLE 206-315-4001 / fax 206-315-4004 DENVER 303-539-0265 / fax 303-539-0270

421 west riverside avenue, suite 500, spokane, washington 99201 [www.leehayes.com](http://www.leehayes.com)

PTOL-413A (09-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

### Applicant Initiated Interview Request Form

Application No.: 10/693,854 First Named Applicant: Robert A. Relyea  
Examiner: Ben C Wang Art Unit: 2192 Status of Application: Pending

#### Tentative Participants:

(1) Ben C Wang (2) Jason F. Lindh  
(3) (4)

Proposed Date of Interview: Wed., July 18th Proposed Time: 1pm EST (AM/PM)

#### Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: \_\_\_\_\_

### Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) _____	_____	_____	[ ]	[ ]	[ ]
(2) _____	_____	_____	[ ]	[ ]	[ ]
(3) _____	_____	_____	[ ]	[ ]	[ ]
(4) _____	_____	_____	[ ]	[ ]	[ ]

☒ Continuation Sheet Attached

#### Brief Description of Arguments to be Presented:

\*See attached pages

An interview was conducted on the above-identified application on \_\_\_\_\_.

**NOTE:** This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature

Jason F. Lindh

Typed/Printed Name of Applicant or Representative

59090

Registration Number, if applicable

Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. §22 and 37 CFR 1.11 and 1.14. This collection is estimated to take 20 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Sent 7/11  
talked to 7/12  
will call back

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No..... 10/693,854  
Filing Date..... Oct 24, 2003  
First Named Inventor..... Robert A. Relyea  
Assignee..... Microsoft Corporation  
Group Art Unit..... 2192  
Examiner..... Ben C Wang  
Attorney's Docket No. .... MS1-1780US  
Title ..... Programming Interface for a Computer Platform

**INFORMAL COMMUNICATION IN PREPARATION FOR  
SCHEDULING AN INTERVIEW**

To: Examiner Wang  
Fax: (571) 270-2240

From: Jason F. Lindh  
Lee & Hayes, PLLC  
421 W. Riverside Avenue, Suite 500  
Spokane, WA 99201  
jason@leehayes.com  
(Tel. 509-324-9256; Fax 509-323-8979)

Dear Examiner Wang:

**[0001]** This communication provides an agenda for a phone interview of this matter. My assistant will be contacting you to schedule an interview. If you would prefer to schedule the interview, then please contact my assistant or me directly. Our contact info is on the signature page of this document. Thank you in advance to talking with me about this matter.

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**Interview Agenda:**

- Discussion about § 101 issue
- Discussion of difference between claims and cited art;

**Section 101**

**[0002]** Claims 1 and 17 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1 and 17 have been amended to reflect a software product claim as an article of manufacture. The claims have been amended to be more specifically directed towards a computer readable medium having instructions that performs steps to facilitate a programming interface. As such, Applicant would request that the rejections of claims 1-22 be withdrawn. If the amendments do not overcome the § 101 rejection, Applicant would ask for further instructions regarding the matter.

**Exemplary Differences**

**[0003]** Claims 1-34 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0028685 to Smith. Applicant respectfully traverses this rejection, but in an attempt to advance prosecution of the present application, Applicant proposes the attached amendments.

**[0004]** Specifically, each independent claim has been amended to include a similar element. Specifically, each independent claim now includes the element that the groups of services are integrated "using a common markup language to map classes and properties specified in the markup



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language to an instantiated tree of objects across" the respective groups. Smith does not disclose this additional element. Smith makes no mention of mapping classes and properties at all. As such, Smith does not teach explicitly or inherently each element of the independent claims. Support for this amendment can be found at page 43, lines 4 through 13.

**Conclusion**

**[0005]** I look forward to talking to you about the proposed amendments and arguments. Once again, thank you in advance for taking the time to talk to me about the present application.

Respectfully Submitted,

Dated: July 11, 2007

By: \_\_\_\_\_  
Jason F. Lindh  
Reg. No. 59090  
(509) 324-9256 x215  
jason@leehayes.com  
**www.leehayes.com**

My Assistant: Carly Bokarica  
(509) 324-9256 x264  
**carly@leehayes.com**

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## Appendix of Claims with Proposed Amendments

1. (Original) A programming interface embodied on one or more computer readable media having computer-executable instructions for performing steps comprising:

~~[a first group of services related to]~~ generating graphical objects using a first group of services;

~~[a second group of services related to]~~ formatting content using a second group of services; [and]

~~[a third group of services related to]~~ creating components of the graphical objects using a third group of services;

using a common markup language to map classes and properties specified in the markup language to an instantiated tree of objects across the first group of services, the second group of services and the third group of services; and

integrating the first group of services, the second group of service and the third group of services using a consistent programming model and consistent services across the three service groups.

2. (Canceled)

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**3. (Canceled)**

**4. (Original)** A programming interface as recited in claim 1, wherein the first group of services, the second group of services and the third group of services share a common event system.

**5. (Original)** A programming interface as recited in claim 1, wherein the first group of services, the second group of services and the third group of services share a common property definition system.

**6. (Original)** A programming interface as recited in claim 1, wherein the first group of services, the second group of services and the third group of services share a common input paradigm.

**7. (Original)** A programming interface as recited in claim 1, wherein the first group of services, the second group of services and the third group of services share a common system for nesting elements associated with a particular group of services within elements associated with another group of services.

**8. (Original)** A programming interface as recited in claim 1, wherein the first group of services includes a service that determines an appearance of the graphical objects.

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**9. (Original)** A programming interface as recited in claim 1, wherein the first group of services includes a service that determines a behavior of the graphical objects.

**10. (Original)** A programming interface as recited in claim 1, wherein the first group of services includes a service that determines an arrangement of the graphical objects.

**11. (Original)** A programming interface as recited in claim 1, wherein the first group of services includes a plurality of nested elements that define the graphical objects.

**12. (Original)** A programming interface as recited in claim 1, wherein the graphical objects are comprised of one or more elements defined by vector graphics.

**13. (Original)** A programming interface as recited in claim 1, wherein the first group of services can define window properties in a markup language without launching a new window.

**14. (Original)** A programming interface as recited in claim 1, wherein the first group of services generate a user interface containing a plurality of graphical objects.

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**15. (Original)** A programming interface as recited in claim 1, wherein the second group of services arrange the graphical objects.

**16. (Original)** A software architecture comprising the programming interface as recited in claim 1.

**17. (Currently Amended)** An application program interface embodied on one or more computer readable media having computer-executable instructions for performing steps comprising:

~~[a first group of services related to]~~ generating graphical objects using a first group of services;

~~[a second group of services related to]~~ formatting content using a second group of services; [and]

~~[a third group of services related to]~~ creating components of the graphical objects using a third group of services, wherein the first group of services, the second group of services and the third group of services are integrated via:

sharing a common programming model; and

using a common markup language across the three services to map classes and properties specified in the markup language to an instantiated tree of objects.

**18. (Canceled)**

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**19. (Original)** An application program interface as recited in claim 17, wherein the third group of services includes services to generate geometric shapes.

**20. (Original)** An application program interface as recited in claim 17, wherein the second group of services includes arranging a plurality of data elements.

**21. (Original)** An application program interface as recited in claim 17, wherein the first group of services includes:

a service that determines an appearance of a graphical object; and  
a service that determines a behavior of the graphical object.

**22. (Original)** An application program interface as recited in claim 17, wherein the first group of services includes a service that defines window properties in a markup language without launching a new window.

**23. (Currently Amended)** A computer system including one or more microprocessors and one or more software programs, the one or more software programs utilizing a programming interface to request services from an operating system, the programming interface including separate commands to request services consisting of the following groups of services:

a first group of services for generating graphical objects; and

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a second group of services for creating components of the graphical objects, wherein the first group of services and the second group of services **are integrated by sharing [share]** a common programming model , **consistent services and using a common markup language to map classes and properties specified in the markup language to an instantiated tree of objects across the first and second group of services.**

**24. (Original)** A computer system as recited in claim 23, wherein the first group of services includes:

a service for defining an appearance of the graphical objects; and  
a service for defining an arrangement of the graphical objects.

**25. (Original)** A computer system as recited in claim 23, wherein the second group of services includes services to generate a plurality of geometric shapes.

**26. (Currently Amended)** A method comprising:  
calling one or more first functions to facilitate generating graphical objects; and

calling one or more second functions to facilitate formatting content, wherein the first functions and the second functions **are integrated by sharing [share]** a common programming model , **consistent services and using a common markup language to map classes and**

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**properties specified in the markup language to an instantiated tree of objects across the first and second group of services.**

**27. (Original)** A method as recited in claim 26, further including calling one or more third functions to facilitate creating components of the graphical objects.

**28. (Original)** A method as recited in claim 26, further including calling one or more third functions to facilitate generating geometric shapes contained in the graphical objects.

**29. (Original)** A method as recited in claim 26, wherein the first functions facilitate:

defining window properties in a markup language without launching a new window; and

generating a user interface containing a plurality of graphical objects.

**30. (Original)** A system comprising:

means for exposing a first set of functions that enable generating graphical objects; and

means for exposing a second set of functions that enable creating components of the graphical objects, wherein the components of the graphical objects include a plurality of geometric shapes, and wherein the first set of functions and the second set of functions **are integrated by**



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**sharing [share] a common programming model , consistent services and using a common markup language to map classes and properties specified in the markup language to an instantiated tree of objects across the first and second group of services.**

**31. (Original)** A system as recited in claim 30, wherein the second set of functions further enable arrangement of the geometric shapes on a page to be rendered.

**32. (Original)** A system as recited in claim 30, further comprising means for exposing a third set of functions that enable formatting content for display.

**33. (Original)** A system as recited in claim 30, wherein the first set of functions and the second set of functions utilize a common markup language.

**34. (Original)** A system as recited in claim 30, wherein the first set of functions and the second set of functions share a common event system and a common property definition system.